

Message Text

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC 3027

C O N F I D E N T I A L SAN JOSE 1013

FROM AMBASSADOR

E.O. 11652: GDS

TAGS: PFOR, CS

SUBJECT: VESCO: EXTRADITION

REF: SAN JOSE 0806

1. FOREIGN MINISTER FACIO TOLD ME FEBRUARY 26 THAT FOLLOWING RECENT CONVERSATIONS HE APPRECIATES THE SERIOUSNESS OF OUR INTEREST IN EXTRADITING VESCO AND SEES NO REASON WHY WE SHOULD NOT PROCEED WITH AN EXTRADITION ATTEMPT AS SOON AS WE ARE READY.

2. FACIO SAID THAT FROM A QUICK READING OF THE LATEST INDICTMENTS HE BELIEVES THAT THE UNITED STATES HAS A MUCH STRONGER CASE THAN BEFORE WITH WHICH TO PROCEED SINCE THIS TIME WE ARE TALKING ABOUT FRAUD INSTEAD OF "ATTEMPTED FRAUD BY WIRE" WHICH WAS FAR TOO SOPHISTICATED FOR THE COSTA RICANS TO GRASP AND IN ANY CASE, WAS NOT COVERED BY THE TREATY.

3. WHEN I TOLD FACIO THAT IT WAS THE OPINION OF A NUMBER OF LAWYERS THAT NO EXTRADITION ATTEMPT COULD SUCCEED UNDER THE PRESENT EXTRADITION LAW KNOWN AS THE "VESCO LAW", FACIO REPLIED THAT MANY PEOPLE SEEM TO OVERLOOK THAT THE TREATY TAKES PRECEDENCE OVER THE LAW. THAT MEANS THAT THE LAW WILL APPLY ONLY WITH REGARD TO MATTERS ON WHICH THE TREATY IS SILENT. FACIO SAID HE WOULD TAKE ANOTHER LOOK AT THE LAW AND SEE WHETHER THERE WERE IN FACT ANY AREAS THAT WOULD

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CAUSE SERIOUS PROBLEMS.

4. FACIO SAID THAT IN ADDITION TO THE ESOTERIC NATURE OF THE CHARGE PRESENTED LAST TIME, OUR FAILURE TO WIN THE CASE WAS DUE TO A NUMBER OF PROCEDURAL ERRORS WHICH WERE COMMITTED, INCLUDING FAILURE TO PRESENT ADEQUATE AND PROPER DOCUMENTATION. HE SAID THAT IF AND WHEN WE WERE READY TO PROCEED, HE WOULD BE HAPPY TO ANSWER ANY QUESTIONS I MIGHT HAVE WITH REGARD TO PROCEDURAL MATTERS TO INSURE THAT AT LEAST SIMILAR MISTAKES ARE NOT MADE THIS TIME.

5. REFLECTING ON THIS CONVERSATION, I CONTINUE TO BELIEVE (AS REPORTED REFTEL) THAT WE SHOULD HIRE A COSTA RICAN LAWYER PROMPTLY TO ADVISE US ON THE VARIOUS MATTERS INVOLVED AND THAT WE SHOULD PROCEED WITH PREPARATIONS TO PRESENT AN EXTRADITION REQUEST IN THE NEAR FUTURE. TIME IS RUNNING OUT.
TODMAN

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NNN

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